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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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DAVID J. GASKEY
CARLSON, GASKEY & OLDS, PC
400 WEST MAPLE ROAD
SUITE 350
BIRMINGHAM, MI 48009

EXAMINER

TRAN, CONGVAN

ART UNIT PAPER NUMBER

2683

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/973,399	CHUAH ET AL.	
	Examiner	Art Unit	
	CongVan Tran	2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 2 and 6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5 and 7-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 3-5, 7-15 have been considered but are moot in view of the new ground(s) of rejection.
2. Claims 2, 6 have been canceled.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4-5, 7 and 12-15 rejected under 35 U.S.C. 102(b) as being anticipated by Iseyama (5,787,346).

Regarding claim 1, Iseyama discloses a radio channel assignment method, comprising the steps of: sending signals from the wireless unit to said wireless communications system via an uplink control channel associated with the shared downlink data channel, wherein the signals indicate an identity of said new base station that the wireless unit has selected from which to receive downlink data (fig.5, elements 11, 12, 13, 18, fig. 11, steps 1, 10, elements 11, 12, 18, col.15, lines 32-45 and its description); waiting for an indication from the wireless communication system to switch to said new base station (see col.15, lines 46-53, fig.5, element 18, 11, 12, 18, fig.11, steps 3, 21, and its description); receiving downlink data from said previous base station via the shared downlink data channel until said indication (see fig.5, elements 11, 12,

fig.11, steps 3 and its description); and switching to said new base station in response to said indication to switch to said new base station (see col.20, line 66-col.21, line 31, fig.11, 19 and its description).

Regarding claims 4-5, 7 and 12-15, Iseyama further wherein said step of receiving comprises the step of: receiving downlink data from said previous base station until an indication from said previous base station that data for said wireless unit at said previous data has been sent (see fig.11, steps 1, 10, 10', 2, fig. 32, and its description).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iseyama (5,787,346) in view of Padovani et al. (6,574,211).

Regarding claims 3 and 8, Iseyama discloses all the subject matter described in rejected claim 1, except for sending downlink data rate information. However, Padovani teaches sending downlink data rate information (abstract, col. 14 lines 21-61).

Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to modify the Iseyama's system with the teaching of Padovani of sending data rate information in order to select the new base station for sending and receiving the data information at the appropriate rate from the serving base station.

Regarding claim 9, Iseyama discloses all the subject matters described in rejected claims 1 and 7, except for the signals sent comprise a Walsh code, and wherein the sending step comprises spreading the signals in the uplink control channel such that only the new base station receives the signals from the wireless unit.

However, Padovani teaches the signals sent comprise a Walsh code (col. 14 lines 54-61), and wherein the sending step comprises spreading the signals (col. 31 lines 54-65) in the uplink control channel such that only the new base station receives the signals from the wireless unit. Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to modify the Iseyama's system with the teaching of Padovani et al. of sending signals with Walsh code and spreading the signal in order to the new base station is able to identify the mobile station that will receive the data.

7. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iseyama (5,787,346) in view of Forssell et al. (EP 1059 820 A2).

Regarding claim 10, Iseyama discloses all the subject matters described in rejected claim 1, except for the indication comprises an indication message that is sent to the previous base station indicating that data packets are ready to be sent to the new base station. However, Forssell teaches wherein the indication comprises an indication message that is sent to the previous base station indicating that data packets are ready to be sent to the new base station (col. 14 lines 39-56). Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to modify the Iseyama's system with the teaching of the Forssell of the indicating message is sent

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to the previous base station in order to the mobile station to switch over to the new base station and to receive the remaining data after handoff.

Regarding claim 11, Forssell et al. further discloses a method as claimed in claim 10, wherein the indication message is an end of data signal indicating that the receiving step has received all data from the previous base station (col. 14 lines 39-56).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CongVan Tran whose telephone number is 703-305-4024. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


CONGVAN TRAN
PRIMARY EXAMINER

CongVan Tran
Examiner
Art Unit 2683

TCU
Jan 18, 2005.